



City of Tacoma

City Council Action Memorandum

**TO:** Elizabeth Pauli, City Manager  
**FROM:** Danielle Larson, Tax & License Manager, Finance Department  
Andy Cherullo, Finance Director  
**COPY:** City Council and City Clerk  
**SUBJECT:** Amending Title 6, Chapters 6B.10.030 and 6B.10.190 – December 12, 2023  
**DATE:** November 27, 2023

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**SUMMARY AND PURPOSE:**

An ordinance amending Title 6 of the Municipal Code, relating to sections 6B.10.030 - License Definitions and 6B.10.190 – Investigations and background checks to meet requirements of the Federal Bureau of Investigation (FBI) that will allow the City to conduct nationwide background checks for certain license applicants.

**BACKGROUND:**

The Finance Department's recommendation is based on the FBI's requirements before allowing local jurisdictions to conduct nationwide background checks.

The TMC requires persons applying for a business license and other City regulatory licenses to agree to a criminal background check. The current process requires applicants to first obtain fingerprints from South Sound 911 (SS911) and then submit a fingerprint card and a fee of \$58.00 payable to Washington State Patrol (WSP) to the City's Tax & License Division. Tax & License will send the fingerprint card and payment to the WSP, and the WSP will conduct a state background check and forward the results back to the City for review.

The new process would allow applicants to obtain their fingerprints from SS911 through a livescan option that is sent to WSP and upon receipt of the fingerprints and the appropriate fees, WSP will compare the subject's fingerprints against its criminal database and submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the WSP and FBI's check will be returned to the Director.

In order to send license applicants to SS911 to process background checks via the livescan option, the City must obtain a new Originating Agency Number ("ORI") which will determine the type of background check the WSP should conduct, and because the livescan option includes a nationwide background check, the FBI requires certain language and other requirements to be included in the TMC prior to approving a new ORI, and the federal law provides that a city ordinance authorizing national background checks: 1) must exist as a result of a legislative enactment; 2) require the fingerprinting of applicants who are to be subjected to a national criminal history background check; 3) expressly ("submit to the FBI") or by implication ("submit for a national check"), authorize the use of FBI records for the screening of applicants; 4) must identify the specific categories of licensees falling within its purview, thereby avoiding over breadth; 5) must not be against public policy; and 6) may not authorize receipt of the CHRI by a private entity.

The livescan option is streamlined and efficient, resulting in faster background check results; more cost-effective for the license applicant, resulting in reduced fees, from \$58.00 to \$44.25; and will provide the City with a full nationwide background check for review prior to issuing licenses. The proposed amendment provides that the "Director" may determine if a nationwide background check is required, and Tacoma Municipal Code 6B.10.030 defines "Director" as "the Director of the Finance Department" or the Director's designee, which "shall be an employee of the Finance Department," and upon review of the criminal background check, the Director will



determine whether the record subject meets the requirements for license denial as outlined in this subtitle. A record subject may request and receive a copy of the record subject’s criminal history record information from the Director. Should the record subject seek to amend or correct the record, the record subject must contact the WSP for a Washington State record or the FBI for records from other jurisdictions maintained in its file.

The Government Performance and Finance Committee voted unanimously on October 3, 2023, to move this proposal forward to the full City Council.

**COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:**

The new reduced fee for the live scan option and expansion of the criminal background check to include federal and state results will be communicated to the for-hire companies who all have for-hire drivers that renew licenses on a bi-annual basis. New license applicants will be notified as they submit applications for the licenses that require a background check.

**2025 STRATEGIC PRIORITIES:**

**Equity and Accessibility: (Mandatory)**

Review of the Tax & License code on regular intervals allows staff to use equity and bias training to review the code through an equity lens. While many sections pertain to requirements on businesses and administrative functions, reviewing these through an equity lens allows for removal or changes to code language that would impact the City’s equity and anti-racist efforts.

**Livability: Equity Index Score:** Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

**Explain how your legislation will affect the selected indicator(s).**

Ensuring the City can conduct a federal background check on Door-to-Door Solicitor, Security Personnel and Taxi Driver license applicants allows the City to review background results of applicants as they relate to the business activity prior to issuing a license as outlined in Title 6.

**ALTERNATIVES:**

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Amend code to only conduct state background checks on license applicants		The City will not receive a nationwide background check on license applicants. Applicants would not be able to take advantage of the reduced cost Live Scan option when submitting fingerprints.

**STAFF/SPONSOR RECOMMENDATION:**

Staff recommends Council pass the ordinance amending Title 6 of the Municipal Code, relating to sections 6B.10.030 - Definitions and 6B.10.190 – Investigations and background checks to meet requirements of the FBI that will allow the City to conduct nationwide background checks for certain license applicants.



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**FISCAL IMPACT: N/A**

There is no fiscal impact related to this amendment.